

Criscione, Lawrence

From: Criscione, Lawrence
Sent: Monday, August 16, 2010 4:32 PM
To: Zimmerman, Roy
Subject: Chicken Little
Attachments: ml101230100.pdf; ML101200401.pdf

Roy,

Thanks for meeting with me today. Attached are the two rejected 10CFR2.206 Requests (still being considered through other processes) which I submitted in April 2010. The one entitled ML101200401 is the request for an Information Notice.

The conversation we had while I was exiting got me thinking about why this issue is so important to me. Obviously, lying to investigators to cover up an inadvertent passive reactor shutdown is an important issue. Individuals who cover up incidents cannot be allowed to hold positions of authority in nuclear power plants. But it's personal with me because of its ability to poison the Safety Culture – and the way it threatens my own belief in the Safety Culture.

Ensuring the utilities all have an adequate Safety Conscious Work Environment is a difficult, yet noble endeavor. I do not need to inform you how important it is that employees are able to raise concerns without fear of retaliation. And I do not need to inform you how difficult it is for the regulator to adequately assess SCWE: all humans make mistakes and it is not difficult for an employer to subtly discriminate against whistleblowers by focusing on their errors while forgiving the shortcomings of "loyal" employees. However, even if we completely succeed in this difficult and noble endeavor of ensuring all nuclear utilities have an adequate SCWE, we have only corrected half the problem. Although fear of retaliation is a major inhibitor of the Safety Culture, even in a "retaliation free" environment there is still fear of embarrassment. Embarrassment about being wrong. Embarrassment about making a mountain out of a mole hill.

From 2003 through 2007 I fought many battles at Callaway Plant and almost all of them were related to a common theme: a poorly functioning Corrective Action Process. I was accused many times of being "Chicken Little". I used to warn *"What do you do when the regulator says your Corrective Action Program is broke? What do you use to fix it? Normally, your CAP is the tool you use to fix the regulator's findings. But what do you do when it's your tool that's broke?"* I reminded them of the plant I had come from (Clinton Power Station) which was built for \$4.29 billion by Illinois Power in the 1970/80s and then sold to PECO for \$20 million in 1998 when it was clear that Clinton was too broke to fix itself. But it turns out at Callaway there was nothing to fear. I thought the "sky was falling" when it was merely an acorn. The regulator did find that the Corrective Action Process wasn't working, but all it amounted to was a recurring inspection finding – a mole hill, not a mountain.

I left Callaway Plant a demoralized individual. I felt I had served the share holders and rate payers well but I was being shown the door because I had upset the wrong incompetents in the "good ole boy" network. But I was confident that with the evidence I had assembled, the regulator would do the right thing. What was that evidence?

- Irrefutable IRNI data indicating the reactor shutdown at 10:18 am on October 21, 2003
- Irrefutable rod height data indicating the control rods were not inserted until 12:04 pm.
- Irrefutable SRNI data indicating the channel 2 SRNI energized at 11:25 am causing a Main Control Board alarm to annunciate
- A claim made by the (b)(7)(C) in a Quality Assurance record (Action 5 of CAR 200702606) that the reactor shutdown was not inadvertent – that he was aware the reactor would shut down upon tripping the turbine and that the 106 minute delay in inserting the control rods was caused by the level of activity in the Main Control Room.

- Irrefutable evidence that the level of activity in the Main Control Room was not too great to inhibit inserting the control rods: the level of activity in the Main Control Room permitted the performance of lower priority activities such as raising letdown flow from 75 to 120 gpm, securing an intake pump, placing cooling tower blowdown in service, securing a condensate pump, initiating containment minipurge, swapping from the turbine feed pumps to the electric feed pump.
- Irrefutable evidence that the management of Callaway Plant was aware of the discrepancies involved in the 2003 reactor shutdown and refused to take action to investigate them: an email trail which included the Performance Improvement Department, the Operations Department, the Quality Assurance Department, the Employee Concerns Program, the (b)(7)(C) the Site Vice President, the Chief Nuclear Officer, the Senior Vice President of Generation, and the Nuclear Safety Review Board.

Even after I was dismayed by finding out my retaliation complaint would not be investigated, I was still confident that (b)(7)(C) investigation of the October 21, 2003 would show the NRC the truth about Callaway Plant – that it is a “good ole boy” network willing to cover up incidents when the right people are involved and willing to punish honest employees who stand in their way.

By the summer of 2008 I had lost track of Callaway. Despite being unable to land an Operations job after multiple interviews at aging, isolated and desperate plants, I was able to find engineering work in Akron, OH with FirstEnergy. I was making the best of my new career path when I heard that, less than eight months after Ameren had to pay me a (b)(7)(C) settlement for (b)(7)(C) retaliation against me, they had promoted him from (b)(7)(C). This caused me to become curious about how the investigation of the October 21, 2003 Incident was progressing.

Region IV was not receptive to my phone calls. Although I did not know it at the time, the lower level Allegation staff did not fully appreciate the history of RIV-2007-A-0096. RIV-2007-A-0096 was submitted by (b)(7)(C) the Callaway Plant RI – in August 2007 after I had provided him a copy of my letter to Senator Durbin. Therefore, RIV-2007-A-0096 and its associated OI case (Case 4-2007-049) were not tied to my name. Since RIV-2007-A-0096 was still an open allegation and I was “technically” not the alleege, I got little service from Region IV. Dissatisfied with my treatment, I contacted several Representatives in the Missouri Legislature, wrote the Missouri Public Service Commission, emailed the NRC Chairman and sent a letter to Congressman Dennis Kucinich (whose district I was living in). Although my settlement agreement forbade me to work with Dave Lochbaum, I also contacted him. I don’t know which one of these efforts resulted in higher levels of Region IV becoming involved, but by mid-October 2008 my name was finally associated with Allegation RIV-2007-A-0096. However it was too late as the OI Case supporting it had already been completed.

Mr. Lochbaum provided me with a heavily redacted FOIA copy of OI-Case-4-2007-049 in October 2007. It was the first indication I had that the OI case had been completed. Since I knew the details from my 2007 internal investigations of the incident, I was able to read through the redactions and learn of the OI investigation results. It was very disappointing.

Normally, the allegation staff contacts the alleege to determine whether or not they understand his concerns. Since I did not submit RIV-2007-A-0096 (b)(7)(C) did based on my letter) no one contacted me about my concerns and OI Case 4-2007-049 focused on ancillary aspects of the October 21, 2003 Incident. Although I was interviewed by (b)(7)(C) in early November 2007, I had not expected that to be the last contact I was to have with her. I explained my concerns as best I could, but there was much information presented and apparently I failed to focus her upon the most important elements of the concern.

Since then (autumn 2008), it has been an uphill battle. RIV-2007-A-0096 was itself a re-opening of an allegation (RIV-2007-A-0028). Now I essentially wanted a re-opening of the OI case so the interviews could be conducted over again. I completely understand why, after spending much money interrogating operators concerning an event with a low SDP score, Region IV was resistant to re-conduct the interviews.

But it’s a battle I feel I must fight. Throughout this battle, Callaway Plant has cast me as “Chicken Little”. They have told their licensed operators that my concerns were minor. They have claimed that the incident was

merely the failure to document a Letdown Isolation in the Corrective Action Program and the failure to log dropping below the Minimum Temperature for Critical Operations. The overwhelming majority of the operators at Callaway Plant are unaware that the control rods were not inserted for over 100 minutes after the reactor shut down. They are unaware that as reactor power lowered five decades into the source range the reactor operators were busy securing an intake pump, placing cooling tower blowdown in service, and using the normal operating procedure to raise letdown flow from 75 to 120 gpm. They are unaware that as for 45 minutes the reactor was in the source range with no Source Range Nuclear Instruments energized and with the rods still at their critical rod heights. They are unaware that after the first channel of SRNIs energized the operators still took 40 minutes to insert the control banks.

I feel it is necessary for the industry to occasionally learn the lesson of where lying takes you. Ideally, lying to the NRC (by claiming you knew the reactor was shutdown all along and failed to insert the control rods because you were busy with other activities) would cause you to lose your license. In the absence of that, it should at least cause you to embarrass yourself to your peers. This isn't "revenge"; it's "deterrence". I know the purpose of Information Notices is not to provide "deterrence", and that is why I do not expect to see an Information Notice written containing all the aspects detailed in my rejected 10CFR2.206 Request. In my defense, however, I am only asking that the NRC inform the industry of the facts of the case in the manner that INPO typically does. Although the regulator must enforce "minimum standards" and not "excellence", it is certainly the NRC's prerogative to present the facts of event for those plants in the industry which wish to use it in their pursuit of excellence.

I have squandered a lot on this issue. I have lost my career at Callaway Plant. I have been blackballed as an operator by the industry. I have been the subject of newspaper articles which impede my ability to find even non-Operations jobs in the industry. I have become associated with anti-nuclear groups and politicians. My reputation at Callaway Plant is forever tarnished as "Chicken Little". And now, I believe that continuing to pursue this issue will impede my career at the NRC. None of this just "happened" to me; it has all been the expected result of conscious decision which I have made. But it's hard for me to back down from this issue.

My wife believes it's because I must "always be right". There are those at the NRC who believe it's because I have a "vendetta" against Callaway. The shareholders of Ameren believe it's because I am somehow after money. I don't know why I continue to pursue it when I have nothing to gain and everything to lose, but I do know that it's impossible for me to walk away from it without becoming completely apathetic towards the NRC and the nuclear "Safety Culture".

As things progress in the future – a possible UCS Issue Brief, possibly additional media attention, a 10CFR2.206 Request for a 10CFR2.204 Demand for Information, possibly articles in trade magazines – I hope Region IV and OI understand that it's not a personal vendetta against them or Callaway. I just feel that one of the greatest threats to the Safety Culture is being labeled "Chicken Little", and I cannot allow Region IV and Ameren to dismiss the October 21, 2003 Incident as an "acorn". Although the consequences were nil, a serious integrity violation occurred which cannot be ignored.

Thanks for your time today. I really do appreciate it.

Larry

Lawrence S. Criscione
Reliability & Risk Engineer
RES/DRA/OEGIB
Church Street Building
Mail Stop 2A07
(301) 251-7603